

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Irrigation and Command Area Development Department – The Andhra Pradesh Water Resources Regulatory Commission (Conditions of Service of Chairperson and Members) Rules, 2013 – Preliminary Notification – Orders – Issued.

Irrigation and Command Area Development (IW-WRG) Department

G.O. M.S.No. 73

Dated:26.07.2013.

Read the following:-

1. Andhra Pradesh Water Resources Regulatory Commission Act, 2009 (Andhra Pradesh Act 15 of 2009)
2. From the Engineer-in-Chief (IW), Hyderabad, Lr. No. ENC/IW/SE (P&M)/EE-I /DEE9 /AEE4/APWRRRC/2010, dated: 21.06.2012.

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ORDER

The following notification will be published in an Extraordinary Issue of the Andhra Pradesh Gazette dated: 29.07.2013.

PRELIMINARY NOTIFICATION

The following draft rules of the Andhra Pradesh Water Resources Regulatory Commission (Conditions of Service of Chairperson and Members) Rules, 2013, which are proposed to be made in exercise of the powers conferred by sub-section (1) of section 23 of the Andhra Pradesh Water Resources Regulatory Commission Act, 2009 (Andhra Pradesh Act No.15/2009), is hereby published for general information in the Andhra Pradesh Gazette.

2. Notice is hereby given that the said draft will be taken into consideration by the Government after the expiry of thirty (30) Days from the date of the publication of this notification in the Andhra Pradesh Gazette and that any objections or suggestions, if any, received from any person before the expiry of the said period will be considered by the Government of Andhra Pradesh.

3. Objections and Suggestions should be addressed to the Special Chief Secretary, I & CAD Dept., Andhra Pradesh Secretariat, Hyderabad, in duplicate.

**ANDHRA PRADESH WATER RESOURCES REGULATORY COMMISSION
(CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS) RULES, 2013.**

Short title and Commencement	1.	(1) These rules may be called the Andhra Pradesh Water Resources Regulatory Commission (Conditions of Service of Chairperson and Members) Rules, 2013. (2) They shall come into force on the date of their publication in the Andhra Pradesh Gazette.
Definitions	2.	In these rules, unless the context otherwise requires; (1) 'Act' means the Andhra Pradesh Water Resources Regulatory Commission Act, 2009; (2) 'Appointment on tenure basis' means the appointment for a period of 5 years; (3) 'Chairperson' means Chairperson of the Andhra Pradesh Water Resources Regulatory Commission;

Contd/-2

- (4) 'Clean break from previous employment' means the person concerned ends the previous employment and does not have any lien in the previous employment;
- (5) 'Convener' means the Convener of the Selection Committee as provided under sub-clause (III) of clause(b) of sub-section(1) of section 5 of the Act;
- (6) 'Ex-India leave' means any leave that includes a period of travel outside of India for any purpose;
- (7) 'Government' means the Government of Andhra Pradesh;
- (8) 'Government Service' means and includes employment in any of the following;
 - (i) 'The Union Government', means the Union Territory including Railways, Defence, Posts and Telecommunications.
 - (ii) 'The State Government' includes Public Sector Undertaking, Local Bodies, Statutory Autonomous Bodies like Universities, or Semi-Government organizations like Port Trusts.
- (9) 'Member' means a person, appointed by the Government as Chairperson or Member of the Commission, before assumption of the said office;
- (10) 'Pay' for purpose of computation of any allowance or financial limit, means unadjusted basic pay plus dearness allowance;
- (11) 'Pension' shall have the meaning assigned to it in the Re-employed Pensioners pay fixation order;
- (12) 'Pension counted towards re-employed pay' means Pension minus the ignorable part of it, as applicable under the Re-employed Pensioners pay fixation order;
- (13) 'Re-employed Pensioners pay fixation order' shall mean the Central Civil Services (Fixation of Pay of Re-employed Pensioners) orders, 1986, as amended from time to time;
- (14) 'Service pensioner' means a person who has retired from any Government Service.
- (15) 'Selection Committee' means the Committee constituted under section 5 of the Act;
- (16) 'Utility' means service connections including water, electricity, gas, etc;
- (17) 'Secretary' means the Secretary of the Andhra Pradesh Water Resources Regulatory Commission.
- (18) The Words and expressions used in these rules and not defined shall have meaning respectively assigned to them in the Act;

Selection of
Chairperson
and Members of
Regulatory
Commission

3. (1) The Selection Committee, as far as possible, shall develop relevant material criteria for assessment of suitability of potential candidates for Chairperson and Members from the field of Water Resources Engineering and Water Resources Economy, respectively.
- (2) Without prejudice to the foregoing, the following criteria shall be relevant for assessment of suitability of persons for the position of Chairperson / Member (s) of the Commission,-
 - (i) Familiarity with water resources of the State;
 - (ii) Experience in management, or regulation of water resources.
- (3) The Selection Committee shall make adequate efforts to search and locate good potential candidates.
- (4) The Convener shall gather bio-data, relevant and material information about the potential candidates, for consideration by the Selection Committee.
- (5) The Selection Committee should ascertain the availability and willingness of candidates, for consideration by the Selection Committee.
- (6) Candidates for Chairperson should be willing for a clean break from the previous employment, if any.
- (7) Candidates for Membership of the Commission are in any Governmental Service; He/She should resign from the service before joining the Commission.
- (8) The Selection Committee as far as possible, shall empanel two equally suitable candidates for each vacancy.
- (9) The Selection Committee shall list the empanelled candidates in alphabetical order of their names and provide, brief narrative description, in addition to the detailed information on each of the empanelled candidates, to facilitate consideration by the Government.
- (10) The Selection Committee shall provide a list of candidates considered, but not empanelled by them, along with details of relevant information about them.
- (11) As far as possible, the Selection Committee shall develop consensus over its recommendation. However, in case of irreconcilable differences of opinion, the majority opinion shall be the recommendation of the Committee, and brief summary of the dissenting opinion shall be provided to the Government.
- (12) Subject to the provisions of the Act and these Rules, the Selection Committee shall make its own procedure for the conduct of its proceedings.

Declaration before Assumption of office by Members and Chairperson	4.	<p>Every Member designate and Chairperson shall satisfy the following before assumption of office:-</p> <p>(1) A Member designate shall submit the following declarations:-</p> <p>(i) A declaration that he/she is not disqualified, in any manner as provided under sub-section(1) of section 9 of the Act.</p> <p>(ii) Declaration of any potential conflict of interest, and acceptance of the same by the Government.</p> <p>(iii) Declaration of any affiliation with any firm, interest group, association or organization seeking to defend and / or advance water usage claims and rights of any area, region, or industry.</p> <p>(2) The appointment will take effect after the declarations regarding potential conflicts of interests have been resolved to the satisfaction of the Government.</p> <p>(3) In case, the Chairperson designate or Member designate to be appointed on tenure is in any Government service, the appointment will take effect only he/she secures retirement from such service.</p> <p>(4) The Chairperson shall take an oath of allegiance to the Constitution of India, according to the form setout for the purpose in the Schedule – I at the time of assumption of office, to be administered by the concerned Secretary to Government or an Officer designated by the Government.</p> <p>(5) The Member(s) shall take an oath of allegiance to the Constitution of India, according to the form setout for the purpose in the Schedule – II at the time of assumption of office, to be administered by the Chairperson or an Officer designated by the Government.</p>
Demitting of office	5.	<p>(1) Chairperson or Member(s) shall be deemed to have demitted office upon completion of term.</p> <p>(2) The outgoing Chairperson and Member may at his/ her discretion leave note(s) on general or specific aspect of work, for the benefit of his/ her successor in office, before demitting office.</p> <p>(3) The outgoing Chairperson or a Member may at his/ her discretion, within a period of one month from the date of demitting office, provide supplemental note (s) on any specific matter for information of his/her successor.</p>
Secretary	6.	<p>(1) The Commission, with the prior approval of the Government, may appoint a Secretary not below the rank of the Chief Engineer from I&CAD Department on deputation basis and such number of Officers and Employees as it considers necessary either on contract or on deputation basis for the performance of its duties and functions as per the sub-section (1) of section 11 of the Act.</p>

- (2) The Commission, with the prior approval of the Government, may surrender/repatriate the services of Secretary of the Commission and terminate/surrender of Officers and Employees appointed either on contract or on deputation basis if it considers that, the services of the Secretary/Officers are not required/performance of the Officers/Secretary is not satisfactory.
- (3) The Commission may recommend to the Government to initiate suitable disciplinary action against the Government officials, if it considers that, the Officers are abused their position for personal gain/acts prejudicial to the public interest and specific directions of the Government.
- Powers, Functions and Duties of the Commission. 7. The Commission shall exercise its powers, perform functions and duties as envisaged in sections 14 and 15 of the Act.
- Administrative and Financial Powers 8. (1) The Administrative & Financial Powers as far as the Commission Establishment is concerned are vested with the Chairperson of the Commission/Government for the purpose of discharge of the functions and duties of the Commission as defined under section 14 of the Act.
- (2) All the proceedings of the Commission shall be in the name of Chairperson of the Commission.
- Powers to make Regulation. 9. The Commission with the prior approval of the Government may make regulation for discharging its duties consistent with the Act and the Rules made there under as envisaged in section 25 of the Act.
- Salaries and Allowances of State Chairperson and Members. 10. (1) The Chairperson shall be entitled to basic pay in the Apex scale for All India Services Officers, serving the Government.
- (2) The Member (s) shall be entitled to basic pay in the Higher Administrative Grade (HAG) for All India Service Officers, serving the State Government.
- Provided that in respect of Service Pensioner (s), the salary of such Member shall be adjusted by deducting an amount equal to his/her pension counted towards pay in re-employment.
- Provided further that in respect of Service Pensioner (s) whose pension is yet to be fixed, the Salary of such Member shall be adjusted by deduction of an amount equal to provisionally calculated pension counted towards provisional calculation shall be adjusted after finalization of pension.
- Provided also that a member holding additional charge of the office of the Chairperson for a period of 30 days or more, shall be paid additional pay/additional charge allowance in terms of rule 49 of the Fundamental Rules read with a rule 10(b) of the I.A.S (Pay) Rules 2007,

subject to issue of notification by Government of India amending Central Fundamental Rules, subject to condition that, the aggregate of pay and additional pay of a member shall not exceed Rs. 80,000/- per month.

- (3) A Member shall be entitled to dearness allowance on the unadjusted basic pay at the same rate admissible to All India Service Officers.

- Accommodation. 11. The Government may earmark accommodation for the Chairperson/ Member (s), of the Commission, subject to availability of Government quarters, only after meeting the requirement of accommodation to the All India Service Officers/ Non – Cadre Officers (in service) working in the limits of Greater Hyderabad. The terms and conditions are as follows:-
- (1) The Chairperson/ Member (s), are expected to occupy the earmarked accommodation, if it is made available.
- (2) Standard rent, if any, shall be paid by the occupant.
- (3) Utility bills in respect of the period of occupation by the Chairperson or Member shall be paid by the respective occupant.
- (4) Earmarked accommodation in case allotted, shall be vacated, immediately upon completion of term, and cessation of office, and not later than one month from the date of completion of term or cessation of office whichever is earlier.
- Reimbursement towards Knowledge Bank. 12. The Chairperson and Members(s) shall be entitled for reimbursement of expenses incurred towards Newspapers, periodicals, journals, electronic knowledge bases and books subject to a limit of Rs. 3000/- or the actual expenses incurred whichever is less.
- Local Conveyance to Chairperson and Members. 13. Chairperson and Members(s) may use official vehicle for private purpose, as applicable to All India Service Officers in the corresponding grade, and serving the State Government.
- Personal Productivity Tools to Chairperson and Members 14. Chairperson and Members shall be provided personal productivity tools such as computers, mobile phones, as needed subject to Specifications, Standards, Scales and Guidelines, if any, prescribed by the State Government.
- Travelling Allowance 15. Chairperson and Members are eligible for Travelling Allowance as per the Andhra Pradesh Civil Services (Travelling Allowance) Rules.
- Entitlement of Medical Treatment. 16. Chairperson and Members of the Commission shall be entitled to medical facilities under the Andhra Pradesh Integrated Medical Attendance Rules (APIMAR), 1972.

Provided, that until they serve in the Commission, subject to meeting the expenditure within the internal resources only i.e., the revenues generated within the Commission and no financial commitment on the part of the Government in present and future.

Entitlement of 17. The Chairperson and Members appointed on tenure are entitled Leave. Casual Leave for unanticipated or short duration personal needs, subject to the following:-

- (1) Casual Leave (CL) at the rate of one day for 20 days of duty, rounding off fractions to the nearest day, and subject to a maximum of 15 days per year.
- (2) The reference period of casual leave is a calendar year.
- (3) Yearly entitlement of casual leave is credited at the beginning of calendar year.
- (4) Maximum period of absence, on Casual Leave does not exceed 10 days.
- (5) Casual Leave can be availed in fractions, subject to a minimum of half (1/2) day.
- (6) Un availed casual leave lapses at the end of the calendar year.
- (7) Chairperson/Members shall retain overall responsibility of their charge, while on casual leave.
- (8) Leave Sanctioning Authority:
 - (i) The Chairperson shall intimate leave availment to the concerned Minister, through the Secretary to Government.
 - (ii) The Chairperson shall be the competent authority for sanction of casual leave to Members.

Disqualification and Removal of Chairperson and Members. 18. (1) The State Government may, by order, remove Chairperson or a Member from office, if the said Chairperson/ Member has incurred any of the disqualifications mentioned in sections 9 and 10 of the Act.

(2) (i) In the event of a prima facie case for removal of the Chairperson, the Government, shall refer the matter to the Committee headed by the Retired High Court Judge to be Constituted by the Government.

(ii) The Government shall constitute an Enquiry Committee headed by the Retired High Court Judge and also appoint an officer not below the rank of Engineer-in-Chief, I & CAD Dept. / Senior Officer from Law Dept. as Presenting Officer to present the case on behalf of the Government. Then, the Government shall send or cause to send, as the case may be the records relating there to the Enquiry Committee.

(iii) The Enquiry Committee may sit at such places as it may determined with due regard to the convenience of the parties concerned and expenses involved

- (iv) As soon as the records relating to allegations of misconduct against the Chairperson/Members are received, the Enquiry Committee shall frame appropriate charges and communicate them together with a list of witnesses proposed to be examined in respect of each of the charges and with information as to the date and place of enquiry.
- (v) The Enquiry Committee shall, before the date fixed for enquiry, furnish copies of the statements of witnesses proposed to be examined to the Chairperson/Member charged for purposes of cross examination. The charge or charges shall at the enquiry, be read over to the Chairperson/Member charged and he/she shall be asked whether he/she admits or denies the charge or charges. If the Chairperson/Member charged admits any of the charges, the Enquiry Committee shall record the plea and return a finding of guilt in respect of the charge or charges as are admitted by him/her. If the Chairperson/Member charged denies any of the charges brought against him/her, evidence shall be recorded on such of the charge or charges as are not admitted by him/her.
- (vi) At the enquiry, oral and documentary evidence shall be first adduced by the prosecution and the Chairperson/Member charged shall be entitled to cross examine the prosecution witnesses and to explain any documents produced by the prosecution. The Chairperson/Member charged may thereafter within the time allowed by the Enquiry Committee, file a written statement of his defense together with a list of witnesses whom he/she wishes to examine stating the points on which he/she proposes to examine each of them and a list of documents proposed to be summoned, stating the purpose for which such documents are sought to be summoned. He/She may also offer himself/herself as a witness in his own defense. The oral and documentary evidence on his/her side may then be adduced and the Chairperson/Member charged shall be entitled to advance the necessary arguments. The prosecution shall also be entitled to advance the necessary counter arguments to the Chairperson/Member arguments or file a mere written statement detailing the whole prosecution case. The arguments may be oral or written or both and when time is requested for written arguments by either party, a reasonable time shall be granted.
- (vii) The Enquiry Committee shall, as far as possible, observe the basic rules of evidence relating to the examination of witnesses and the marking of documents and the enquiry shall confirm to the principles of natural justice.
- (viii) The Enquiry Committee on the application of the Chairperson/Member charged, shall furnish to him/her certified copies of depositions of witnesses recorded by the Enquiry Committee and may also furnish to him/her certified copies of the documents exhibited before the Enquiry Committee.

Provided that the Enquiry Committee may, for reasons to be recorded in writing, refuse to grant certified copy of any such documents.

Provided further that the Enquiry Committee shall in every case where it refuses to grant a certified copy of any document asked for, give, under proper supervision, an opportunity to the Chairperson/Member charged or to his/her counsel, if any to inspect the document and take notes.

- (ix) The Enquiry Committee shall, on the application of the Presenting Officer, furnish to him/her certified copies of depositions of witnesses recorded by the Enquiry Committee and the documents exhibited before it, on plain unstamped paper.
- (x) The Enquiry Committee may also interrogate the Chairperson/Member charged after the closure of the prosecution evidence.
- (xi) For sufficient reasons to be recorded in writing, the Enquiry Committee shall have power to refuse on either side:-
 - (i) to summon and examine any witness;
 - (ii) to call for and exhibit any document; or
 - (iii) to recall a witness for further examination.
- (xii) (a) The Enquiry Committee may, if necessary, authorise the Chairperson/Member charged or his/her counsel, if any, to go to the offices where the documents are available in order to enable him/her either to secure copies of such documents or take necessary extracts from such documents.
- (b) The proceedings of the Enquiry Committee shall contain a sufficient record of the evidence.
- (xiii) After the enquiry has been completed, the Enquiry Committee shall send its report of findings to the Government within thirty (30) days.
- (xiv) After receipt of the report from the Enquiry Committee, Government shall take into consideration, the enquiry report and findings of the Committee headed by the Retired High Court Judge, while exercising powers under sub-section (2) of section 9 of the said Act and shall issue a show cause notice duly supplying a copy of the report of the Enquiry Committee, to the Chairperson/Member charged and shall pass final orders after taking into consideration any representation made by him/her thereto within a reasonable time, ordinarily not exceeding one month.

- Annual Financial Statement 19. In the month October of every year, the Commission shall submit to the State Government a Statement of estimated expenditure and revenue on the skeleton printed forms prescribed by the Finance Department in duplicate and send one copy directly to the Finance Department and the other to the I&CAD Department .
- Accounts and Audit. 20. (1) The Commission shall cause to maintain proper accounts and other records in relation thereto to be kept, including a proper system of internal check and shall prepare an annual statement of accounts, in such form as may be prescribed by regulations made by the Commission in exercise of powers conferred in section 25 of the Act with prior approval of the State Government (Finance Department) and in consultation with the Accountant General, Andhra Pradesh.
- (2) The accounts of the Commission shall be audited by the Accountant General, Andhra Pradesh, or by such person as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable by the Commission.
- (3) The Accountant General, Andhra Pradesh, or any person authorised by him in connection with the audit of the accounts of the Commission under this Act, shall have the same rights and privileges and authority in connection with such audit as the Accountant-General, generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the Offices of the Commission.
- (4) The accounts of the Commission as certified by the Accountant General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the Commission. The audit report shall contain full details of any discrepancies or irregularities in the accounts of the Commission. At the same time, the Commission shall publish an annual statement of its activities in relation to the functions carried out by it under this Act during the year to which the said accounts relate.
- (5) The State Government shall cause the audit report to be laid, within a period of six (6) months from the date of its receipt, before the State Legislature.

Clarification of 21. If any difficulty arises in giving effect to any of these rules or doubts and any clarification required about interpretation of these rules to removal of resolve question of applicability with regard to appointment, difficulty. terms and conditions of service of the Chairperson and Members or the matters not covered in these rules, shall be referred to the Government for appropriate guidance, the Government may issue clarification or as the occasion may require, may by order do anything which appears to them to be necessary for the purpose of removing the difficulty.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDRHA PRADESH)

**AJOYENDRA PYAL
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To:

The Director, Printing and Stationary, Hyderabad.

(For publishing the notification in the Extraordinary issue of the A.P., Gazette.

He is requested to supply 100 copies to the Government)

The Engineer-in-Chief (AW), Hyderabad.

Copy to:

All the Principal Secretaries, I&CAD Departments.

// FORWARDED BY ORDER //

SECTION OFFICER

Schedule-1
Oath or affirmation of allegiance, to be made;
By the Chairperson of the APWRRRC
(see sub-rule (4) of Rule 4)

"I having been appointed Chairperson of the Andhra Pradesh Water Resources Regulatory Commission, swear in the name of God / Solemnly affirm.

That I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully, conscientiously, and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws."

Chairperson

Administered by me

Date:
Place: Secretary to Government.

Schedule-2
Oath or affirmation of allegiance, to be made;
By the Member of the APWRRRC
(see sub-rule (5) of Rule 4)

"I having been appointed Member of the Andhra Pradesh Water Resources Regulatory Commission, swear in the name of God / Solemnly affirm.

That I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully, conscientiously, and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws."

Member

Administered by me

Date:
Place: Chairperson, APWRRRC.